

RECEIVED
CENTRAL FAX CENTER
JUL 15 2008

Onyx Dkt No. 1047.DIV
USSN: 10/669,768
PATENT

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)
I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, United States Patent and Trademark Office, (Fax No. 571-273-8300) on the date indicated.

George R. Folsom
Signature

15 July 2008
Date of Transmittal

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: SHEN, Y., et al.	Confirmation No.: 8135
Serial No.: 10/669,768	Art Unit: 1633
Filing Date: 24 September 2003	Examiner: Marvich, M.
Title: ADENOVIRUS E1B-55K SINGLE AMINO ACID MUTANTS AND METHODS OF USE	

RESPONSE TO FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the final Office Action in the above-referenced application, mailed 15 January 2008. The response date, with three-month extension, falls on Tuesday, 15 July 2008. Accordingly, the response date is 15 July 2008. A three-month extension of time to respond is requested, and a petition therefor accompanies this paper. Also accompanying this response is a Notice of Appeal. No additional fee is believed due; however, the Commissioner is hereby authorized to charge to Deposit Account No. 15-0615 any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, with the exception of the payment of the issue fee. Reconsideration of the application in view of the following remarks is respectfully requested.

Onyx Dkt No. 1047.DIV
USSN: 10/669,768

PATENT

RECEIVED

CENTRAL FAX CENTER

Introductory Comments

I. Summary of the Office Action.

JUL 15 2008

In the Office Action, mailed 15 January 2008, claims 11, 12, 24, 28, 33, 39 and 40 are rejected for the following reasons.

The Examiner rejected claims 11, 12, 24, 28, 33, 39 and 40 under 35 U.S.C. §112, first paragraph, asserting (i) that the specification, while being enabling for treatment of cancer characterized by p53 loss or deficiency by direct administration Onyx 051 and 053 (comprises a single amino acid substitution in amino acid 240 or 260), does not reasonably provide enablement for any other embodiment, and (ii) that the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims. The Examiner indicated that this rejection was maintained for reasons of record in the Office Action mailed 9 May 2007.

This rejection is traversed for reasons discussed below.

Claims 13, 25 27 and 35 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. *See* Office action, mailed 15 January 2008, page 8.